

Patent
Attorney Docket No. ITW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Deonarine, Victor I.
Serial No. : 09/683,353
Filed : December 18, 2001
For : **DUAL TEMPERATURE INDICATOR STICK HOLDER**
Group Art No. : 2859
Examiner : DeJesus, Lydia M.

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Transmitted by facsimile to Fax No.: 703-308-7722 addressed to Examiner DeJesus at the Patent and Trademark Office.

Date: 8-21-03

Lydia M. DeJesus
Signature

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PETITION FOR REFUND

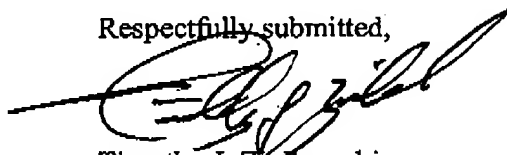
Dear Sir:

This is a Petition for Refund of fees associated with submission of additional claims in excess of twenty (20) associated with the above captioned matter. Applicant requests a refund in the amount of \$324.00 be deposited to the credit card account indicated in the Credit Card Authorization form submitted in the above captioned matter in the Response filed April 18, 2003.

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The additional claims were submitted in response to the Examiner's indicated allowability of claims 2, 3, 4, 7, and 8. Applicant submitted new claims based on this allowability indication. The Examiner then rejected claims 22, 23, and 24 solely based on OMEGAMARKER®, a reference previously considered in the Office action mailed February 27, 2003. The Examiner rejected claim 21 over OMEGAMARKER® further in view of Tabichnik but has rejected the original subject matter of claim 1 again based on OMEGAMARKER®. Under 37 C.F.R. § 1.26, "the Commissioner may refund any fee paid by mistake or in excess of that required." The claims for which refund is sought are the result of the Examiner's indicated allowability thereof. The fee was paid based on the Examiner's express indication of allowable subject matter, which was later revoked. The examination of the now cancelled claims was paid for in the original filing fee since they are merely rewritten in independent form. As such, applicant requests a refund in the amount of \$324.00 be credited to the credit account indicated above.

Respectfully submitted,



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OFFICIAL

Dated: August 21, 2003
Attorney Docket No.: ITW7510.008

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